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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,996	08/06/2001	Toyomi Shiba	107348-00137	6896

4372 7590 04/07/2003

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EXAMINER

CHARLES, MARCUS

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/921,996

Applicant(s)

SHIBA, TOYOMI

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This action is responsive to the amendment filed 01-21-2003, which has been entered.

Claims 1-11 are currently pending.

#### ***Specification***

1. The disclosure is objected to because of the following informalities: In page 11, it is not clear how the clearance is formed between the resilient member and the outer peripheral surface of the ring assemblies.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 3-10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not provide any description as to how the clearance is obtained. It appears that the resilient member is suspended in a space between the outer peripheral surface of the metal rings and the edge of the slot. It would not have been enabling for one skill in the are to provide a clearance between the ring and the edge of the slot without providing supports for the resilient member.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekine et al.('880). Sekine et al. discloses a metallic belt for a CVT, the belt comprising a metal ring assembly formed of a plurality of endless metal rings (15) laminated one on another, a large number of metal elements (20) each having a ring slot into which the metal ring assembly is fitted, an endless resilient member (30, the retainer) which is deformable radially is disposed between a radially outer edge of the metal ring slot in the metal element and a radially outer peripheral surface of the metal ring assembly (15). It is apparent that the peripheral length of the radially inner surface is longer than the radially outer peripheral surface of the metal ring assembly.

***Claim Rejections - 35 USC § 103***

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lecouturier et al.('879) in view of Sekine et al.('880). Lecouturier et al. discloses a belt for a CVT entrained around drive and driven pulleys (5, 6); the belt comprising a pair of ring assemblies (fig. 4d) fitted into a pair of slots (4) of a plurality of metal elements (3). Lecouturier et al. does not disclose the metal ring comprises a plurality of endless metal with an endless resilient member which is deformable radially is disposed between the radially outer edge of the slot and the outer surface of the metal ring assemblies.

Sekine et al. discloses a belt for a CVT comprising a plurality of endless metal ring assemblies (31) fitted in the of slots of a plurality of metal elements (20) and an endless resilient member (30) which is radially deformable is disposed between the outer peripheral surface of the metal rings and the radially outer edge of the ring slot in order to allow for easy removal and installation of the endless metal elements during maintenance of the belt, to provide sufficient mechanical strength and durable and increase the load capacity of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Lecouturier et al. so as to replace the endless elastomeric rings with metal rings and a resilient member in view of Sekine et al. in order to allow for easy removal and installation of the endless metal elements during maintenance of the belt, to provide sufficient mechanical strength and durable and increase the load capacity of the belt.

### ***Response to Arguments***


7. Applicant's arguments filed 01-21-2003 have been fully considered but they are not persuasive.
8. Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection.
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
Marcus Charles  
Examiner  
Art Unit 3682  
April 1, 2003